

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

TRAFFIX USA INC.,  
Plaintiff,  
v.  
JB HUNT TRANSPORT SERVICES, INC.,  
et al.,  
Defendants.

Case No. 1:22-cv-00181-JLT-SAB

**ORDER RE STIPULATION TO EXTEND  
TIME TO RESPOND TO COMPLAINT**

(ECF No. 12)

Plaintiff initiated this action against Defendants JB Hunt Transport Services, Inc., Costco Wholesale Corporation, ACE Hardware Corp., and Jose Ortiz on February 11, 2022. (ECF No. 1.) On February 28, 2022, Plaintiff filed a motion titled “Application for Right to Attach Order and Order for Issuance of Writ of Attachment,” which consists of a state court form and attachments and appears to be based on sections of the California Code of Civil Procedure and pertaining to Defendants Costco and ACE Hardware only.<sup>1</sup> (ECF No. 8.) The hearing on this motion is currently set for April 27, 2022. (ECF No. 9.)

<sup>1</sup> Notwithstanding the Court's reservations as to whether this motion based on state procedural law is applicable in the instant federal court action, the parties are reminded that, pursuant to the revised Local Rules (effective March 1, 2022), oppositional briefing must be filed no later than fourteen days after the motion was filed, regardless of the date of the hearing; any reply briefing must be filed no later than ten days after the opposition is filed. E.D. Cal. L.R. 230. However, in light of the early stage of this litigation and the fact that not all parties have appeared in this matter, the Court would entertain a stipulated request or motion for an extension of time to respond.

1 On March 14, 2022, Plaintiff and Defendants JB Hunt Transport Services, Inc., Costco  
2 Wholesale Corporation, and ACE Hardware Corp., filed a stipulated request to extend the time  
3 for these Defendants to respond to the initial complaint from March 10, 2022, to April 7, 2022.  
4 (ECF No. 10.) Defendant Ortiz has not yet appeared in this matter. The stipulating parties  
5 request the extension to promote their attempts to resolve this litigation prior to further litigation.  
6 This is the parties' first stipulated extension. Pursuant to Local Rule 144(a), an initial stipulation  
7 extending time for no more than twenty-eight days to respond to a complaint may be filed  
8 without approval of the Court if the stipulation is signed on behalf of all parties who have  
9 appeared in the action and are affected by the stipulation. However, the Court reminds the  
10 parties that requests to modify the briefing schedule that are made on the eve of a deadline or  
11 thereafter will be looked upon with disfavor and may be denied absent a showing of good cause  
12 for the delay in seeking an extension. If such a request is made after a deadline, the party  
13 seeking the nunc pro tunc extension must show additional good cause as to why the matter was  
14 filed late.

15 Accordingly, pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that  
16 Defendants JB Hunt Transport Services, Inc., Costco Wholesale Corporation, and ACE  
17 Hardware Corp., shall have until April 7, 2022, to respond to the initial complaint.

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19 IT IS SO ORDERED.

20 Dated: March 15, 2022



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UNITED STATES MAGISTRATE JUDGE

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